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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MCGRAW-HILL EDUCATION, INC., Plaintiff, v. SEAN MEELIA, Defendant.	Case No.: 17 CV 4271 (ER)

ORDER TO SHOW CAUSE GRANTING TEMPORARY RESTRAINTS AND PERMITTING EXPEDITED DISCOVERY

THIS MATTER having been opened to the United States District Court by Proskauer Rose LLP, attorneys for plaintiff McGraw-Hill Education, Inc. ("MHE"), by way of an Order to Show Cause, pursuant to *Fed.R.Civ.P.* 65, upon due notice to defendant Sean Meelia ("Meelia" or "Defendant"), and the District Court having considered Plaintiffs' emergent application for a temporary restraining order to preserve the *status quo* pending arbitration, and the written submissions and exhibits submitted in support thereof, and the entire record before the Court, and for good cause shown,

IT IS upon this 7th day of June, 2017, 12:30 pm

ORDERED that Plaintiff's application is **GRANTED**, and thus pending the return date of this Order to Show Cause, Defendant shall immediately be temporarily enjoined and restrained from, directly or through others, (a) soliciting, inducing or attempting to solicit or induce any MHE employee to terminate his/her relationship with or leave the employ of MHE; or (b) hiring any MHE employee to work for Achieve3000; and it is further

ORDERED that Defendant is hereby directed to appear before the Honorable E. Ramos, U.S.D.J., at the United States District Court for the Southern District of New York, located at 500 Pearl Street, New York, NY 10007 on the 20th day of **June, 2017** at ~~10:00~~ 2:30 pm or as soon thereafter as this matter can be heard and show cause why an Order should not be entered converting this Temporary Restraining Order into a Preliminary Injunction that shall remain in place pending arbitration.

ORDERED that the foregoing temporary restraints shall continue up to and including 11:59 p.m. on June 13, 2017, within such time, this Temporary Restraining Order is extended for an additional period by consent of the parties; or for good cause shown, is extended for an additional period not to exceed fourteen (14) days; or unless it is further extended pursuant to *Fed.R.Civ.P.* 65; or until the further Order of the Court; and it is further

ORDERED:

1. That any objections to the relief requested as of the return date of this Order to Show Cause shall be deemed to have been waived in the event that such objections are not filed with this Court and served upon Plaintiff's counsel no later than 5 days prior to the return date of the Order to Show Cause;

2. That any responsive reply papers on behalf of Plaintiff shall be filed with the District Court and served upon Defendant no later than 2 days prior to the return date of this Order to Show Cause;

3. That there is good cause to permit notice of this Order to Show Cause and service of the Complaint and all other supporting documents by alternative means, given the exigency of the circumstances and the need for prompt relief. The following means of service are authorized by law, satisfy due process, satisfy *Fed.R.Civ.P.* 4(f)(3), and shall be deemed reasonably calculated to notify Defendant of this Order to Show Cause, the Complaint, and this action:

simultaneous service via e-mail and overnight mail upon Defendant at his home or place of business, and upon outside counsel for Defendant, when known; and

4. That, in the event Defendant fails to answer or otherwise move with respect to the Complaint within thirty (30) days after service of same upon Defendant, default and default judgment may be entered against Defendants for the relief sought in the Complaint; and it is further

ORDERED that Plaintiff's Motion for Expedited Discovery ~~be and is hereby~~ DENIED w/o. prejudice. ~~**GRANTED** and that Plaintiff is granted immediate leave of Court to conduct the following limited discovery on the equity matters at issue in the Complaint:~~

1. Plaintiff may serve the document requests, interrogatories and depositions notice submitted in its application (*e.g.*, no more than five document requests, five interrogaties and one deposition notice) upon Defendant upon execution of this Order;

2. Plaintiff may issue a subpoena *duces tecum* and *ad testificandum* in the form submitted in its application (*e.g.*, no more than five document requests, five interrogaties and two deposition notice) upon Achieve3000 upon execution of this Order.

3. Defendant may serve five requests for production of documents, five interrogatories and two deposition notices upon Plaintiff within five business days of the date hereof;

4. Each party and Achieve3000 shall deliver written responses and responsive documents to foregoing discovery requests to opposing counsel, no later than seven calendar days after service of the requests;

5. Depositions shall not exceed three (3) hours in duration, shall be conducted before a person authorized to administer oaths at a mutually convenient place, date, and time, no later than 14 days after the date hereof; and

IT IS SO ORDERED

The Honorable Edgardo Ramos
United States District Judge